

STATE OF NORTH DAKOTA  
BEFORE THE INSURANCE COMMISSIONER

In the Matter of	)	
	)	CONSENT ORDER
Brett A. Bowerman,	)	
NPN 15702570,	)	FILE NO. AG-13-431
	)	
Respondent.	)	

TO: Brett A. Bowerman, 3235 Begonia Avenue, Bismarck, ND 58501

Insurance Commissioner Adam Hamm (“Commissioner”) has determined as follows:

1. As a result of information obtained by the North Dakota Insurance Department (“Department”) regarding the conduct of Brett A. Bowerman, NPN 15702570 (“Respondent”), an individual who held a North Dakota resident insurance producer license at all times relevant to this proceeding, the Commissioner has begun administrative proceedings regarding Respondent’s conduct as alleged below and regarding the imposition of a civil penalty or any other action the Commissioner deems necessary. Respondent’s conduct is alleged to be in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(5)

2. N.D.C.C. § 26.1-26-15 states:

**26.1-26-15. License requirement – Character.** An applicant for any license under this chapter must be deemed by the Commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation.

3. N.D.C.C. § 26.1-26-42 states, in relevant part:

The commissioner may suspend, revoke, place on probation, or refuse to continue or refuse to issue any license issued under this chapter if, after notice to the licensee and hearing, the commissioner finds as to the licensee any of the following conditions:

...

5. The applicant or licensee has been convicted of a felony or convicted of an offense, as defined by section 12.1-01-04, determined by the commissioner to have a direct bearing upon a person's ability to serve the public as an insurance producer, insurance consultant, or surplus lines insurance producer, or the commissioner finds, after conviction of an offense, that the person is not sufficiently rehabilitated under section 12.1-33-02.1.

4. The Commissioner has come into information that Respondent was convicted of Possession of a Controlled Substance – Anabolic Steroid (Testosterone), a Class C felony, by entering a plea of guilty on August 29, 2013. Respondent was sentenced to a period of two years of supervised probation to run from August 29, 2013, to August 29, 2015. Respondent reported the conviction to the Department within 30 days as is required by N.D.C.C. § 26.1-26-45.1(2). Respondent's actions constitute violations of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(5).

5. Respondent's actions in violation of N.D.C.C. §§ 26.1-26-15 and 26.1-26-42(5) are grounds for imposition of a civil penalty pursuant to N.D.C.C. § 26.1-26-50, which states in relevant part:

**26.1-26-50. Civil penalty for violation of chapter.**

In addition to or in lieu of any applicable denial, suspension, or revocation of a license, any person violating this chapter may, after hearing, be subject to a civil fine not to exceed ten thousand dollars for each violation.

6. Respondent acknowledges that at the time of signing the Consent to Entry of Order, he was aware of or had been advised of his rights to a hearing in this matter, to consult an attorney, to present argument to the Commissioner, to appeal from any adverse determination after a hearing, and Respondent expressly waives those rights.

7. Respondent has agreed to informal disposition of this matter, without a hearing, as provided under N.D.C.C. § 28-32-22.

8. There are no covenants, promises, undertakings, or understanding other than as specifically set forth in this Order.

9. Respondent consents to the Commissioner's continuing jurisdiction over him regarding any issues which may subsequently arise related to Respondent's activities.

10. For purposes of resolving this matter, without further administrative proceedings, Respondent and the Commissioner have agreed to enter into the following order.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent agrees to issuance by the Commissioner of a conditional license for a period of two years. The conditional license period shall run concurrent with the probation period of August 29, 2013, to August 29, 2015.

2. The Department may, during the two-year conditional license period, revoke, suspend, or take such further action as may be deemed necessary against Respondent's insurance license without Notice of Hearing or the issuance of a Complaint if the Department receives a complaint from any source against the Respondent and after investigation of the merits of said complaint, notifies the

Respondent that he has, in the Commissioner's opinion, violated the laws of the State of North Dakota. Respondent further agrees that any action taken against his license or in furtherance of this action is not appealable.

3. The use of this Consent Order for competitive purposes by an insurance agent or agency holding a license in the State of North Dakota, or by any company holding a Certificate of Authority, or by anyone on their behalf, may be deemed unfair competition and be grounds for suspension or revocation of said license or authority.

DATED at Bismarck, North Dakota, this 21<sup>st</sup> day of January, 2014.

  
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Adam Hamm  
Insurance Commissioner  
State of North Dakota

### CONSENT TO ENTRY OF ORDER

The undersigned, **Brett A. Bowerman**, states that he has read the foregoing Consent Order, that he knows and fully understands its contents and effect; that he has been advised of his right to a hearing in this matter, his right to be represented by legal counsel, his right to present evidence and arguments to the Commissioner, and his right to appeal from an adverse determination after hearing; and that by the signing of this Consent to Entry of Order he waives those rights in their entirety, and consents to entry of this Order by the Commissioner. It is further expressly understood that this Order constitutes the entire settlement agreement between the parties, there being no other promises or agreements, either expressed or implied.

DATED this 17<sup>th</sup> day of January, ~~2013~~ <sup>2014</sup>.

  
Brett A. Bowerman

Subscribed and sworn to before me

this 17<sup>th</sup> day of January, ~~2013~~ <sup>2014</sup>.

Barb Heaton  
Notary Public

State of North Dakota  
County of Kidder

My commission expires: 4-26-18

